Law and Politics

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Office Hours: MW 11:30–12:30 (Main 324B)

DESCRIPTION

This course introduces the study of law and politics. We develop a sophisticated understanding of enduring and contemporary debates concerning judging and courts. Our emphasis is on the U.S. Supreme Court, but we consider other institutional arrangements for comparison. Fundamental questions of interest include: How do judicial institutions evolve? What characteristics should judges possess and how should institutions be designed to select on those characteristics? How do judges make decisions? How should legal texts be interpreted? To what extent are courts constrained by legislatures and executives in systems of separated powers? And can we justify judicial review by unelected courts in republican systems of government? Analytically, we unite these threads by grounding discussion in the logic of institutions. This facilitates a systematic consideration of the material while laying the foundation for independent downstream engagement with new controversies as they arise.

GRADING

The following components comprise the course grade:

- First Exam (35%) [10/02]
- Second Exam (35%) [11/13]
- Research Paper (20%) [12/02]
- Presentation (10%) [11/18–12/06]

Final grades are distributed according to the following scale:

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<tr>
<th>Grade</th>
<th>Percentage</th>
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<tr>
<td>A</td>
<td>93–100</td>
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<tr>
<td>A-</td>
<td>90–92</td>
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<tr>
<td>B+</td>
<td>87–89</td>
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<td>B</td>
<td>83–86</td>
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<td>B-</td>
<td>80–82</td>
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<td>C+</td>
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<td>C</td>
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<td>C-</td>
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<td>D+</td>
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<td>D-</td>
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READING

Assigned readings are hyperlinked below. Access is available through university subscriptions. There are three options for viewing and downloading readings listed in declining order of simplicity: (1) if on campus click the hyperlink while using a university IP address; (2) if off campus click the hyperlink after connecting to the university’s VPN; or (3) if off campus search for the article through the library’s webpage using the included journal and citation information. Readings supplement rather than duplicate lectures. As a result, particular readings may be discussed little if at all during class. But lack of class attention is not a signal of unimportance as readings are nonetheless essential for developing a comprehensive understanding of the material. Moreover, readings are fair game on exams. Coverage dates are tentative. Although we may be slightly ahead or behind the preliminary schedule at any given point due to variation in class comprehension and discussion, adhering to it is encouraged as convergence occurs over time.
TOPICS

1. Analytical Foundations [08/26–08/30]

2. Institutional Development [09/02–09/06]

3. Selecting Judges [09/09–09/13]

4. Accountability and Independence [09/16–09/20]

5. Agenda Setting [09/23–09/27]

6. Deciding the Merits [09/30–10/04]

7. Opinions and Reasons [10/07–10/11]


**Paper**

The research paper analyses a federal court reform. Proposal type depends on the source of the status quo policy. The proposal can be in the form of a constitutional amendment (e.g., electing federal judges), statute (e.g., changing the number of justices), or norm (e.g., discretionary agenda setting by lottery) depending on the source of the status quo policy. Proposals must be approved in advance and no two students may choose the same topic. The paper should include three labeled substantive sections: an introduction describing the status quo policy and text of the proposed reform (not to exceed one page), an analytical section detailing at least two points each for and against the reform, and a conclusion summarizing the most important points (not to exceed one page). Arguments should be explicitly grounded in the logic of institutional design developed throughout the course. Examples of potentially pertinent themes include incentive structuring, bargaining, preference aggregation, preference alignment, and hierarchical compliance, though applicable frameworks depend on the policy choice.
Paper grades are primarily based on analytical thoroughness and quality. Engagement with the literature—including sources that do not appear on the syllabus—is expected. Borrowed material should be attributed and in-text references should be appended in a separate section at the end of the paper. Citations and references should be consistent and thorough but there is no required format. Example citation and referencing formats include the American Political Science Association Style Manual and the Chicago Style Manual. Endnotes rather than footnotes should be used if applicable, including for ancillary discussion or note-based citation and referencing formats. In addition to the requirements listed above, paper grades are based in part on editing quality and adherence to the following guidelines: 5–7 paginated double-spaced pages of text, 12-point Times New Roman font, 1-inch margins, and a title page with your name and course information. The 5–7 page text requirement does not include the title page, references, or notes. We will spend time in class discussing topic choice, analysis, and paper writing.

Presentation

Paper analyses are presented orally. The presentation should be 3–5 minutes with audience questions. Slide use is optional. Grades are based primarily on analytical clarity and thoroughness. Other factors include staying within the allotted time and answer quality.

Policies

Applicable university policies are followed. These policies include, but are not limited to, matters such as excused absences, classroom conduct, academic integrity, and disability-related accommodation. Students are bound by university policies regardless of prior knowledge or understanding.

Although the university’s policy on excused absences addresses numerous contingencies, it delegates faculty discretion with respect to several matters. As a result, the following gap-filling policies are adopted pursuant to university regulations. First, excused absences are generally limited to the mandatory and “other allowable” reasons delineated by university policy. There is a presumption against granting excused absences for other reasons, though exceptions may be considered on a case by case basis. Second, appropriate independent documentation must generally be provided for an excused absence. If documentation cannot be provided for good reason, other verification may be required. I reserve the right to determine what constitutes acceptable documentation or verification for purposes of classifying an absence as excused subject to applicable university policy. Third, without an excused absence, make-up exams can be taken and late papers submitted within twenty-four hours of the original deadline with a 20% reduction in grade for that course component. Time is tolled on non-business days, including weekends and university holidays. Missed presentations cannot be made up without an excused absence.

The syllabus is subject to change.

Resources

A nonexhaustive list of university resources for students:

○ Academic Success Center (studying, test taking, and stress management)

○ Allies on Campus (LGBTQA+ support training)
- Counseling and Psychological Services (mental health)
- Disability Resource Center (course accommodations, consultation, grievances)
- Inclusion Center (LGBTQA+, multicultural, and nontraditional student resources)
- Public Safety (campus police)
- SAAVI Office (advocates for sexual assault and stalking victims)
- Sexual Misconduct (reporting, advocates, counseling, medical attention, preserving evidence)
- Student Nutrition Access Center (food security)
- Student Support Services (services for low income, first generation, and disabled students)
- Student Wellness (mental, physical, relationship, supporting others in distress)
- Title IX and Nondiscrimination (sexual misconduct and differential treatment)
- Veterans Resource Office (transition support, financial resources, mentoring)
- Upstanding (bystander intervention against sexual violence and other interpersonal harm)
- Writing Center (tutoring)